

REMARKS

In response to the Office Action dated November 21, 2005, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

A review of the claims indicates that:

Claims 1-67 were previously pending.

Claims 1-1, 13-33, 35-49, 58, and 61-67 are currently amended.

Claims 12, 34, and 60 are canceled.

New claim 68 is added.

Claims 1-11, 13-33, 35-59, and 61-68 are pending in the application.

Rejections under 35 U.S.C. § 112, ¶ 2

The Office rejects claims 16 and 47 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office states the words “wherein a web browser **can** find the pane-generating logic” and “optionally, a list of attribute variables” in claim 47 result in a description that is unclear since the words **can** and **optionally** render the claims indefinite. Claim 16 similarly contains the word **can**, and the Office states this renders the claim indefinite.

The Office rejects claim 48 because it inherits the deficiencies of independent claim 47.

1
2 Applicant has amended the language of claims 16 and 47 as listed above, to
3 add clarity and overcome the rejection. The amendments do not limit the subject
4 matter. Applicant submits that the rejection has now been overcome by the
5 amendments. The rejection with respect to claim 48 is now overcome, as claim 48
6 now depends from claim 47, in which the rejection has been overcome.
7

8 **New Claim 68**

9 Claim 68 is composed of cancelled language from claim 47.
10

11 **Rejections under 35 U.S.C. §101: Non-Statutory Subject Matter**

12 The Office rejects claims 1-31 and 61-67 under 35 U.S.C. §101 stating the
13 claimed invention is directed to non-statutory subject matter.
14

15 The base claims have been amended to overcome the rejection. These
16 amendments are made to more particularly point out and distinctly claim the
17 subject matter and not to limit the subject matter.
18

19 In claim 1, the addition of the words "computer-executable" make clear that
20 the method is bound to statutory subject matter. Applicant respectfully submits
21 that claim 1 is now allowable. Claims 2-9 have also been amended in the same
22 manner.
23
24
25

1 Claim 10 and dependent claims 11-31 have also been amended with the
2 words "computer-executable" in the same manner as claims 1-9, above.

3
4 Claim 61 and dependent claims 62-67 have also been amended with the
5 words "computer-executable" in the same manner as claims 1-9, above.

6
7 Applicant respectfully submits that claims 1-31 and 61-67 now overcome
8 the rejection.

9
10 **Rejections under 35 U.S.C. §101: Non-Functional Subject Matter**

11 The Office rejects claims 32-57 under 35 U.S.C. §101 stating the claims are
12 directed to non-functional descriptive material directed to a web document, pane
13 element, and pane engine.

14
15 Applicant has amended claim 32 to define a computer-readable medium
16 containing computer executable instructions, instead of a web-page document.
17 Applicant submits that the amendment made to claim 32 overcomes the Office's
18 35 U.S.C. §101 rejection. Claims 33-46 have been likewise amended.

19
20 Applicant has amended claim 47 to define a system instead of a pane
21 element. Applicant respectfully submits claim 47 now overcomes the 35 USC
22 §101 rejection. Claim 48 has been likewise amended.

Applicant respectfully argues that claim 49 is directed to statutory material. 35 U.S.C. §101 states: "Inventions Patentable: Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor..." Claim 49 certainly defines, for example, a new and useful process having functional parts and/or an engine having functional parts, and an improvement over prior art processes and engines that generate user interface panes. Thus, claim 49 is statutory material. Applicant has added the words "computer-executable" to clarify this point. Thus, Applicant respectfully submits that claim 49 is statutory subject matter and overcomes the 35 U.S.C. §101 rejection. Claims 50-57 are dependent on claim 49, and should be considered statutory subject matter also.

Rejections under 35 U.S.C. §102(e)

The Office rejects claims 1-20, 27, 32-38, 43, 47-48, 58-59 and 60-67 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2003/0137540 to Klevenz, et al.

Claim 1

Claim 1, as amended, defines a computer-executable method, including:

- providing a pane element comprising an element behavior that defines the pane element, wherein the pane element is readable from a document by a browser;

- based at least in part on execution of the pane element, invoking logic associated with the element behavior, wherein the logic specifies at least some attributes of a pane and generates an associated hypertext markup language (HTML) element to generate the pane; and
- generating the pane having the specified attributes.

Klevenz discloses a system and technique for managing a user interface associated with an application. Klevenz describes the generation of a page for a user interface that utilizes a pane, and the determination of user interaction with that page (Klevenz, ¶0006). The system in Klevenz also provides a method for determining an event associated with the user interaction to generate replacement panes on the page based on the particular event (Klevenz, ¶0006).

Applicant has thoroughly analyzed the Klevenz reference and submits that the Klevenz reference does not show or disclose every element of Applicant's amended claim 1. Therefore amended claim 1 is not anticipated under 35 U.S.C. §102(e). For instance, Klevenz does not show or disclose a pane element comprising an element behavior, as Applicant has defined "element behavior" on pages 13 and 14, for example, of the specification. An element behavior can be code that defines the pane element and is substituted for the exemplary pane element upon execution of the pane element, i.e., that when encountered by the web browser is executed to provide the functionality of the pane element (spec., page 13).

1 To distinguish from other markup elements, such as pre-existing HTML
2 elements, the element behavior in claim 1 defines the pane element and is
3 synchronously bound to it, whereas conventional tags and/or elements may have
4 associated code that merely modifies (and does not create) the inherent behavior of
5 a pre-existing HTML element. In other words, a conventional "attached behavior"
6 is bound asynchronously to an HTML element and overwrites the default behavior
7 of a pre-existing element to which it is attached. For Applicant's pane element,
8 the element behavior defines the pane element itself and generates a genuine
9 HTML element on the fly. That is, once an element behavior has been parsed and
10 initialized, it renders an exemplary pane element into a genuine HTML element.
11 Thus, an encountered pane element becomes an element behavior, which can be
12 expressed as associated logic, a pane engine, or other pane-generating instructions,
13 being executed as an HTML element, for example. (specification., page 13).
14 Because the element behaviors disclosed by Applicant are written in script using
15 an HTML component (HTC) file, they provide efficient ways to produce reusable
16 exemplary pane elements because they can be used in web pages within the same
17 domain (spec., pages 13 and 14). Klevenz does not show or disclose a pane
18 element comprising an element behavior, as in Applicant's claim 1.

19
20 Because the Klevenz publication does not show or disclose each element of
21 Applicant's claim 1, it does not anticipate claim 1. Applicant respectfully submits
22 that claim 1, as amended, is allowable over Klevenz.
23
24
25

Claims 2-9

For at least the reasons set forth above with respect to Claim 1, Applicant submits that dependent claims 2-9 are also allowable and are not anticipated under 35 U.S.C. §102(e) by the Klevenz reference. Dependent claims contain the language of the claims from which they depend. Claims 2-9 depend from claim 1, therefore, these claims should also be allowable.

Claim 10

Claim 10, as amended, describes a computer-executable method, including:

- providing a pane element comprising an element behavior in a web page document for producing a web page;
- executing the pane element wherein the executing invokes logic associated with the pane element, wherein the logic specifies at least some attributes of a pane, and
- wherein the executing generates a pane having the specified attributes.

Applicant submits that claim 10 is not anticipated under U.S.C. §102(e) by the Klevenz reference for the same reasons as explained for claim 1. Specifically, Klevenz does not show or disclose a pane element comprising an element behavior.

1 Because the Klevenz reference does not show or disclose each element of
2 Applicant's claim 10, Applicant respectfully suggests that Klevenz does not
3 anticipate claim 10. Thus, Applicant respectfully submits that claim 16 is allowable
4 over Klevenz.

5
6 **Claims 11-20 and 27**

7 For at least the reasons set forth above with respect to Claim 10, Applicant
8 submits that dependent claims 11-20 and 27 are also allowable and are not
9 anticipated under 35 U.S.C. §102(e) by the Klevenz reference. Dependent claims
10 contain the language of the claims from which they depend. Claims 11-20 and 27
11 depend from claim 10, therefore, these claims should also be allowable.

12
13 **Claim 32**

14 Applicant submits that claim 32 is not anticipated under U.S.C. §102(e) by the
15 Klevenz reference for the same reasons as explained for claim 1. Specifically,
16 Klevenz does not show or disclose a pane element comprising an element
17 behavior.

18 Because the Klevenz reference does not show or disclose each element of
19 Applicant's claim 32, Applicant respectfully suggests that Klevenz does not
20 anticipate claim 32. Thus, Applicant respectfully submits that claim 32 is allowable
21 over Klevenz.

Claims 33-38, and 43

For at least the reasons set forth above with respect to Claim 32, Applicant submits that dependent claims 33-38, and 43 are also allowable and are not anticipated under 35 U.S.C. §102(e) by the Klevenz reference. Dependent claims contain the language of the claims from which they depend. Claims 33-38, and 43 depend from claim 32, therefore, these claims should also be allowable.

Claim 47

Applicant submits the Klevenz reference does not show or disclose every element of Applicant's claim 47 for similar reasons as described for claim 1. Klevenz does not show or disclose a pane element comprising an element behavior.

Because the Klevenz reference does not show or disclose each element of Applicant's claim 47, Applicant respectfully suggests that Klevenz does not anticipate claim 47. Thus, Applicant respectfully submits that claim 47 is allowable over Klevenz.

Claim 48

For at least the reasons set forth above with respect to Claim 47, Applicant submits that dependent claim 48 is also allowable and is not anticipated under 35 U.S.C. §102(e) by the Klevenz reference. Dependent claims contain the language of the claims from which they depend. Claim 48 depends from claim 47, therefore, this claim should also be allowable.

Claim 58

Claim 58 describes one or more computer readable media containing instructions executable by a computer, including:

- executing language elements in a markup language document to generate a web page;
- executing a pane element comprising an element behavior in the markup language document to generate a web page pane, wherein a web page pane is a division of a computer display screen, and
- wherein execution of the pane element causes pane-generating instructions written in the markup language to be substituted for the pane element.

Applicant submits the Klevenz reference does not anticipate Applicant's claim 58 for the same reasons as in claim 1. As stated previously, Klevenz does not show or disclose a pane element comprising an element behavior.

Because the Klevenz reference does not show or disclose each element of Applicant's claim 58, Applicant respectfully suggests that Klevenz does not anticipate claim 58. Thus, Applicant respectfully submits that claim 58 is allowable over Klevenz.

Claim 59 and 60

For at least the reasons set forth above with respect to Claim 58, Applicant submits that dependent claims 59 and 60 are also allowable and are not anticipated under 35 U.S.C. §102(e) by the Klevenz reference. Dependent claims contain the language of the claims from which they depend. Claims 59 and 60 depend from claim 58, therefore, these claims should also be allowable.

Claim 61

Claim 61, as amended, describes a computer-executable method, including:

- providing a markup language tag comprising an element behavior for creating a pane in a web page;
- based at least in part on execution of the tag, invoking logic associated with the tag wherein the logic specifies at least some attributes of a pane;
- generating the pane having the specified attributes.

Applicant submits the Klevenz reference does not anticipate claim 61 under 35 USC §102(e) for similar reasons as explained for claim 1. Klevenz does not show or disclose every element of Applicant's claim 61. In particular, Klevenz does not show or disclose a markup language tag comprising an element behavior.

Because the Klevenz publication does not show or disclose each element of Applicant's claim 61, it does not anticipate claim 61. Applicant respectfully submits that claim 61, as amended, is allowable over Klevenz.

Claims 62-67

For at least the reasons set forth above with respect to Claim 61, Applicant submits that dependent claims 62-67 are also allowable and are not anticipated under 35 U.S.C. §102(e) by the Klevenz reference. Dependent claims contain the language of the claims from which they depend. Claims 62-67 depend from claim 61, therefore, these claims should also be allowable.

Rejections under 35 U.S.C. §103(a)

The Office rejects claims 21-26, 28-31, 39-42, 44-46, and 49-57 under 35 U.S.C. §103(a) as being unpatentable over Klevenz in view of U.S. Patent No. 6,310,631, to Cecco, et al.

Cecco teaches an improved method for creating and sizing panes within a window of a computer system display screen as part of an interactive graphical user interface (Cecco, Abstract). The method in Cecco provides a user controlled means to display a variable rectangle on a computer screen and to control where a new pane will appear by user movement of the cursor to change the size and position of the variable form (Cecco, Col. 3, Lines 5-9).

Claims 21-26 and 28-31

Claims 21-26 and 28-31 are dependent claims, which depend from base claim 10. As stated previously, Applicant submits that amended base claim 10, which is only rejected under 35 U.S.C §102(e), overcomes the Office's 35 U.S.C

1 §102(e) rejection based on the Klevenz reference, because Klevenz does not show
2 or disclose every element of amended claim 10. Thu, claim 10 should be
3 allowable. Because dependent claims contain the language of the claims from
4 which they depend, Applicant respectfully submits that dependent claims 21-26
5 and 28-31 also overcome rejection and are allowable.

6 The Office rejects claims 21-26 and 28-31 under 35 U.S.C. §103(a) as
7 being unpatentable over Klevenz in view of Cecco, however, Klevenz does not
8 teach or suggest each element of Applicant's claims 21-26 and 28-31. Likewise,
9 Cecco does not supply the teaching that is missing in Klevenz. In particular,
10 neither Klevenz nor Cecco, alone or in combination, teach or suggest a pane
11 element comprising at least one element behavior. Therefore, the combination of
12 Klevenz and Cecco fails to support an obviousness rejection of dependent claims
13 21-26 and 28-31 under 35 U.S.C. §103(a).

14 For at least the multiple reasons just discussed, Applicant submits that
15 claims 21-26 and 28-31 are patentable over Klevenz in view of Cecco.

16
17 **Claims 39-42 and 44-46**

18 Claims 39-42 and 44-46 are dependent claims, which depend from base
19 claim 32. As stated previously, Applicant submits that base claim 32, as amended,
20 overcomes the Office's 35 U.S.C §102(e) rejection based on the Klevenz
21 reference. Klevenz does not show or disclose every element of amended claim 32,
22 and because claim 32 was only rejected under 35 U.S.C §102(e), claim 32 should
23 be allowable. Because dependent claims contain the language of the claims from
24
25

1 which they depend, Applicant respectfully submits dependent claims 39-42 and
2 44-46 are also allowable.

3 The Office rejects claims 39-42 and 44-46 under 35 U.S.C. §103(a) as
4 being unpatentable over Klevenz in view of Cecco, however, Klevenz does not
5 teach or suggest each element of Applicant's claims 39-42 and 44-46. Likewise,
6 Cecco does not supply the teaching that is missing in Klevenz. .

7 Therefore, the combination of Klevenz and Cecco fails to support an
8 obviousness rejection of dependent claims 39-42 and 44-46 under 35 U.S.C.
9 §103(a).

10
11 **Claim 49**

12 Claim 49 defines a computer-executable pane engine, comprising:

- 13 • a pane attribute assignor;
- 14 • a pane sizer;
- 15 • a pane positioner, and
- 16 • wherein a pane element comprising an element behavior and
17 included in a web page document references the pane engine to
18 generate a web page pane.

19
20 Applicant submits that neither the Klevenz reference nor the Cecco
21 reference, alone or in combination, teach or suggest the apparatus of amended
22 claim 49. In particular, neither Klevenz or Cecco, alone or in combination, teach
23 or suggest a pane sizer and a pane positioner "wherein a pane element comprising
24
25

1 an element behavior and included in a web page document references the pane
2 engine to generate a web page pane,” as in Applicant’s claim 49.

3 The Office admits that Klevenz fails to show “the sizing and positioning of
4 panes” and thus relies on Cecco for this feature (Office Action, page 22).

5 However, the Cecco reference fails to teach or suggest a pane positioner, “wherein
6 a pane element comprising an element behavior and included in a web page
7 document references the pane engine to generate a web page pane,” as in
8 Applicant’s amended claim 49.

9 Likewise, Cecco does not teach or suggest a pane positioner where a pane
10 element comprising an element behavior aids in generating a web page pane, as in
11 Applicant’s amended claim 49. Thus, Cecco fails to add to the missing teachings
12 of Klevenz.

13 Because the Klevenz and Cecco references, alone or in combination, do not
14 teach or suggest the engine defined in amended claim 49, Applicant respectfully
15 submits claim 49 overcomes the 35 U.S.C. §103(a) rejection and is allowable over
16 the Klevenz and Cecco references.

17 18 **Claims 50-57**

19 For at least the reasons set forth above with respect to Claim 49, Applicant
20 submits that dependent claims 50-57 are also allowable and are not anticipated
21 under 35 U.S.C. §103(a) by the Klevenz and Cecco references. Dependent claims
22 contain the language of the claims from which they depend. Claims 50-57 depend
23 from claim 49, therefore, these claims should also be allowable.
24
25

Conclusion

The Applicant submits that all of the remaining claims are in condition for allowance and respectfully requests that a Notice of Allowability be issued. If the Office's next anticipated action is not the issuance of a Notice of Allowability, the Applicant respectfully requests that the undersigned attorney be contacted for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 2-21-06

By: 

Mark Farrell
Lee & Hayes, PLLC
Reg. No. 45,988
Attorney for Applicant

LEE & HAYES PLLC
Suite 500
421 W. Riverside Avenue
Spokane, Washington 99201
Telephone: 509-324-9256 x247
Facsimile: (509) 323-8979